

AN ORDINANCE **2006-06-01-0628**

ADOPTING THE 32ND YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$14,846,217.00 AS CONTAINED IN THE FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 32ND FISCAL YEAR CDBG PROGRAM; DESIGNATING THE 32ND YEAR CDBG PROGRAM FUNDS; APPROPRIATING 32ND YEAR PROGRAM FUNDS IN THE AMOUNT OF \$14,846,217.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING A REVOLVING LOAN ACCOUNT FOR THE NEIGHBORHOOD ACTION DEPARTMENT; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides cities with annual grant support to enable the rehabilitation and economic development of their urban communities so as to improve conditions for low and moderate income citizens; and

WHEREAS, the City of San Antonio, through its Community Development Block Grant (CDBG) Program, has administered CDBG grant funds annually beginning with fiscal year 1974-1975 (Year 1), and continuing through fiscal year 2005-2006 (Year 31); and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2006-2007 CDBG Entitlement funds in the amount of \$14,846,217.00 will become available to the City on October 1, 2006; and

WHEREAS, as required by federal regulation, the Fiscal Year 2006-2007 Consolidated Plan Annual Budget was prepared, encompassing grant funds of the 32nd Year CDBG and 15th Year Home Partnership Entitlement Grant (HOME); and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, pursuant to applicable HUD regulations designed to ensure adequate citizen input, a public hearing is required in this instance; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on May 18, 2006, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the CDBG Budget as part of the Fiscal Year 2006-2007 Consolidated Plan Annual Budget and to fund the 32nd Year CDBG Program on the City's books; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Community Development Block Grant (CDBG) Program Budget of the Fiscal Year 2006-2007 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. The Thirty-second (32nd) Year Community Development Block Grant (CDBG) Program beginning October 1, 2006 and terminating September 30, 2007 is hereby authorized.

SECTION 3. Subject to and upon award, Fund Number 280280000 entitled "COMMUNITY DEVELOPMENT BLOCK GRANT THIRTY-SECOND YEAR" is hereby designated for use in accounting for the above grant and the total sum of \$14,846,217.00 is hereby appropriated in said fund for allocation to projects as set out in the proposed budget affixed hereto and incorporated herein for all purposes as Attachment I. A formal budget including General Ledger numbers, Internal Order numbers and WBS Elements will be submitted to the Finance Department upon approval of the above proposed budget.

SECTION 4. A Deputy City Manager, all Assistant City Managers, Assistants to the City Manager, and the Director of Housing and Community Development are hereby designated and authorized as representatives of the City Manager for the purpose of CDBG program administration and communication with the U.S. Department of Housing and Urban Development (HUD).

SECTION 5. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by HUD for award of the aforesaid entitlement funds.

SECTION 6. Subject to and upon award of the aforesaid grant funds, the City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 7. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby directed to monitor all CDBG-funded neighborhood revitalization and public service project activities so as to assure compliance with goals and objectives adopted by City Council; substantial fiscal or programmatic changes thereto shall in all cases be approved by the City Council.

SECTION 8. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby authorized and directed to carry out the administration of the 32nd Year CDBG Program. Such administration shall include, but not be limited to, the execution of any and all contracts and other documents necessary in connection with the 32nd Year CDBG Program, two form examples of which are affixed hereto and incorporated herein for all purposes as Attachments II and III, and the reaffirmation of any and all assurances required of the City by HUD.

form examples of which are affixed hereto and incorporated herein for all purposes as Attachments II and III, and the reaffirmation of any and all assurances required of the City by HUD.

SECTION 9. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby given authority to approve the 32nd Year CDBG Program Administrative budget for the San Antonio Development Agency (SADA) with the total budget not to exceed that set forth pursuant to Attachment I affixed hereto.

SECTION 10. The Neighborhood Action Department is hereby authorized to establish a CDBG Revolving Loan Fund for its CDBG-funded Rental Rehabilitation and Owner-Occupied Rehabilitation and Reconstruction Programs, and loan repayments and interest, designated as program income, are hereby authorized to be deposited in 2006-2007 in said Revolving Loan Fund. Funds therein shall be used for additional loans in compliance with the Community Development Policy Guide and as approved by the City. The Neighborhood Action Department shall report program income revenues and expenditures to be received to the Housing and Community Development staff by no later than the tenth (10th) calendar day of each month. In compliance with HUD CDBG regulations, the Finance Department, upon receipt of the revenue and expenditure reports, is hereby authorized to record program income in Fund 280280000 and to appropriate said amounts to CDBG Project entitled "NEIGHBORHOOD ACTION REVOLVING LOAN ACCOUNT."

SECTION 11. The Director of Housing and Community Development is hereby authorized to execute any and all agreements with sub-grantees and/or City departments for each project delineated in Attachment I. Further, the Director of the Neighborhood Action Department is hereby authorized to execute any and all documents in connection with all Owner-Occupied Reconstruction, Rental Rehabilitation and housing revitalization programs. Sub-grantee contracts and interdepartmental agreements are hereby required to contain acceptable detailed performance indicators for each project and the information for such contracts and agreements must be finalized by no later than November 1, 2006 in order to facilitate their execution. The Directors of the Housing and Community Development and Finance Departments are hereby authorized and directed to automatically cancel and move the full budget allocation provided to any project, including City Administration project allocations, for which acceptable performance indicators are not provided, or for which information for contract/interdepartmental agreement execution has not been received by the appropriate City department by November 1, 2006, to the CDBG Contingency Account in preparation for timely reprogramming to other eligible activities. Additionally, the Director of Housing and Community Development is hereby authorized to cancel any project activity set-up in the HUD IDIS system for which no activity is evidenced for a forty-five (45) day period.

SECTION 12. The Director of Housing and Community Development is hereby authorized to cancel and reprogram any and all budget allocations provided to any project, in the event any sub-grantee contract and/or interdepartmental agreement is not executed by January 1, 2007.

SECTION 13. All projects in CDBG Entitlement Program funds for the 31st Year with completed scopes of work are hereby closed and unexpended grant monies and program income in said funds are hereby authorized to be placed in the contingency fund in preparation for future reprogramming in compliance with City policies and HUD regulations.

SECTION 14. The Housing and Community Development Director is hereby designated the Program Manager for the CDBG Program. Further program responsibilities shall be as follows:

- (a) The Department of Housing and Community Development shall administer and monitor all CDBG programs and fiscal activities and requests;
- (b) The Human Resources Department shall monitor all projects and sub-agencies as necessary for compliance with all equal employment opportunity rules, regulations, policies and laws;
- (c) The Department of Economic Development shall monitor all projects and sub-agencies as necessary for compliance with local, state and federal MBE-WBE rules, regulations, policies and laws;
- (d) The Community Initiatives Department shall monitor, where applicable, fair housing compliance and shall administer the handling and resolution of complaints related thereto;
- (e) The Department of Public Works shall monitor flood insurance and floodplain management compliance, shall conduct pre-construction conferences, and shall monitor Davis-Bacon compliance for all CDBG capital improvement projects;
- (f) The Office of the City Auditor shall accomplish fiscal and program compliance audits of the sub-grantee agencies in the CDBG program in compliance with OMB A-133, and in coordination with the City's annual independent audit; and
- (g) The City Attorney's Office shall provide legal services including, but not limited to, contract and loan development and review and the preparation of legal opinions to resolve questions of regulatory application associated with the development and administration of HUD programs administered by the City's Department of Housing and Community Development.

SECTION 15. The personnel classifications and pay ranges set forth in Attachment IV affixed hereto and incorporated herein for all purposes are hereby authorized for carrying out aspects of the approved 32nd Year CDBG Program.

SECTION 16. The Finance Department is hereby authorized and directed in its payments to other agencies to follow drawdown procedures established by both the City of San Antonio and HUD whereby CDBG funds shall be drawn down prior to other funds in the case of multi-funded projects where not in conflict with other federal requirements. The Finance Department is further directed to ensure that prior to processing any and all fiscal requests related to Fund 280280000 CDBG accounts, each such request has received prior compliance review and approval by the Director of Housing and Community Development or his designated representative, and that such review and approval is indicated by their signatures or initials affixed to the fiscal request.

SECTION 17. The City Manager, or, in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development Director is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

SECTION 18. The City Manager, or in her stead, a Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Housing and Community Development is hereby authorized to complete all documents required by HUD to officially close projects and program financial records following completion of the contracted scope-of-work.

SECTION 19. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, SAP GL Account Numbers as necessary to carry out the purpose of this Ordinance.

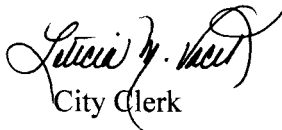
SECTION 20. This ordinance shall be effective on and after the 11th day of June, 2006.

PASSED AND APPROVED this 1st day of June, 2006



MAYOR

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM


City Attorney

Agenda Voting Results

Name: 4A. *Main Motion*

Date: 06/01/06

Time: 11:08:35 AM

Vote Type: Multiple selection

Description: An Ordinance adopting the 32nd Year Community Development Block Grant (CDBG) in the amount of \$14,846,217.00 as contained in the FY 2006-2007 Consolidated Plan Annual Budget; authorizing the 32nd Fiscal Year CDBG Program; designating the 32nd Year CDBG Program Funds; appropriating 32nd Year program funds in the amount of \$14,846,217.00; allocating program funds to projects; establishing a revolving loan account for the Neighborhood Action Department; and authorizing the submission of the CDBG grant to the U.S. Department of Housing and Urban Development (HUD) for FY 2006-2007 Consolidated Plan Annual Budget, Certification and other information as required to HUD.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

Agenda Voting Results

Name: 4A. Amendment 1 *as presented by CM McNeil*

Date: 06/01/06

Time: 11:08:10 AM

Vote Type: Multiple selection

Description:

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		